

IN THE UNITED STATES DISTRICT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES
OF AMERICA

v.

AHMED OMAR ABU ALI,

Defendant

Criminal No. 1:05CR53

Count 1: 18 U.S.C. § 2339B
Conspiracy to Provide Material Support and
Resources to Designated Foreign Terrorist
Organization (Al-Qaeda)

Count 2: 18 U.S.C. § 2339B
Providing Material Support and Resources
to Designated Foreign Terrorist
Organization (Al-Qaeda)

Count 3: 18 U.S.C. § 2339A
Conspiracy to Provide Material Support
to Terrorists

Count 4: 18 U.S.C. § 2339A
Providing Material Support to Terrorists

Count 5: 50 U.S.C. § 1705(b); 31 C.F.R.
§ 595.204
Contribution of Services to Al-Qaeda

Count 6: 50 U.S.C. § 1705(b); 31 C.F.R.
§ 595.204
Receipt of Funds and Services from
Al-Qaeda

Count 7: 18 U.S.C. § 1751
Conspiracy to Assassinate the President

Count 8: 49 U.S.C. § 46502(a)(2)
Conspiracy to Commit Aircraft Piracy

Count 9: 18 U.S.C. § 32(b)(4)
Conspiracy to Destroy Aircraft

SUPERSEDING INDICTMENT

September 2005 Term – At Alexandria

General Allegations

THE GRAND JURY CHARGES THAT:

1. At all times relevant to this Indictment, al-Qaeda (also known as al-Qaida) was a worldwide, multinational, terrorist organization dedicated to opposing non-Islamic governments, particularly the United States, with force and violence. Al-Qaeda was founded by Usama bin Laden and other individuals.

2. Beginning in approximately 1989, bin Laden and al-Qaeda sponsored, managed, and financially supported training camps in Afghanistan and elsewhere. These camps were used to instruct members and associates of al-Qaeda and its affiliated terrorist groups in the use of firearms, explosives, chemical weapons, and other weapons. In addition to providing training in the use of various weapons, these camps were used to conduct operational planning against targets around the world. These camps also were used to train al-Qaeda members and associates in security and counterintelligence methods, such as the use of codes, passwords, and surveillance techniques.

3. Beginning in the 1990s, bin Laden and other individuals associated with al-Qaeda sought to recruit United States citizens and citizens of other Western countries in order to exploit their ability to blend into Western society and travel more freely within the United States and Western Europe in furtherance of al-Qaeda's operational and strategic objectives.

4. On or about January 23, 1995, President William J. Clinton, exercising his authority under the International Emergency Economic Powers Act, issued Executive Order 12947, in

which he found that “grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States” In Section 1(b) of the Executive Order, President Clinton ordered that “any transaction or dealing by United States persons or within the United States in property or interests in property of the persons designated in or pursuant to this order is prohibited, including the making or receiving of any contribution of funds, goods, services to or for the benefit of such persons”

5. In or about February 1998, Bin Laden and Ayman al-Zawahiri, another senior al-Qaeda official, issued a declaration under the heading “International Islamic Front for Jihad on the Jews and Crusaders,” which stated that “[k]illing Americans and their allies – civilian and military – is an individual duty for every Muslim who can do it in any country in which it is possible to do it”

6. On or about August 20, 1998, following terrorist attacks on the U.S. embassies in Kenya and Tanzania that resulted in the deaths of over two hundred people, President William J. Clinton issued Executive Order 13099 “in order to take additional steps with respect to grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process and the national emergency described and declared in Executive Order 12947 of January 23, 1995” Section 1 of Executive Order 13099 amended the Annex to Executive Order 12947 to add the Islamic Army, also known as al-Qaida, to the list of “Terrorists Who Threaten to Disrupt the Middle East Peace Process.”

7. As a result of Executive Order 13099, it became unlawful for United States persons to make any contribution of funds, goods, or services to or for the benefit of al-Qaeda, or to receive any funds, goods, or services from al-Qaeda.

8. On or about October 8, 1999, al-Qaeda was designated as a foreign terrorist organization by the Secretary of State pursuant to Section 219 of the Immigration and Nationality Act. As a result of this designation, it became unlawful for individuals within the United States, or individuals subject to United States jurisdiction, to knowingly provide material support or resources to al-Qaeda, or to attempt or conspire to do so.

9. For purposes of this Indictment, the term violent *jihad* refers to the use of armed force by, and on behalf of Muslims, to achieve objectives believed to be sanctioned by Islam.

10. On September 11, 2001, in a coordinated attack against the United States, Islamic extremists associated with al-Qaeda hijacked four commercial airplanes. They flew two of the planes into the World Trade Center towers in New York City, and one into the Pentagon in Virginia. The fourth plane crashed in Pennsylvania. Thousands of individuals were killed or injured, and there was enormous destruction of property.

11. On or about September 23, 2001, President George W. Bush, exercising his authority under the International Emergency Economic Powers Act, issued Executive Order 13224. In that Executive Order, President Bush found that “grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York City, Pennsylvania, and the Pentagon committed on September 11, 2001 . . . and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and

extraordinary threat to the national security of the United States.” President Bush therefore declared “a national emergency to deal with that threat.”

12. Section 2(a) of Executive Order 13224 prohibited any future “transaction or dealing by United States persons or within the United States in property or interests in property blocked [under the Executive Order], including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to this order or determined to be subject to this order.” The first entity named in the Annex to Executive Order 13224 was “Al Qaida/Islamic Army.”

13. On or about May 7, 2003, the Saudi Government issued a public announcement containing the names and photographs of 19 individuals wanted for terrorist activity in Saudi Arabia. Among the individuals named in the announcement were Coconspirator #2 and Coconspirator #4.

14. On or about May 12, 2003, terrorist attacks were carried out against residential compounds in Riyadh, Saudi Arabia, resulting in the deaths of approximately 34 individuals, including 9 Americans.

15. After the terrorist attacks in Riyadh on or about May 12, 2003, Saudi authorities located and arrested several individuals who belonged to clandestine terrorist cells in Saudi Arabia, including individuals who were members of an al-Qaeda cell in Medina headed by Coconspirator #4.

16. After his arrest, one of the members of the al-Qaeda cell in Medina headed by Coconspirator #4 reviewed a photograph of defendant ABU ALI, and identified the person in the photograph as a member of that cell.

17. On or about June 9, 2003, defendant AHMED OMAR ABU ALI (“ABU ALI”), a United States citizen who last resided in the United States in Falls Church, Virginia, in the Eastern District of Virginia, was arrested by Saudi authorities in Medina.

18. On or about June 16, 2003, defendant ABU ALI possessed at his residence in Falls Church, Virginia, in the Eastern District of Virginia, the following:

- a. A six-page document regarding various forms of surveillance by the government and private entities, and how to avoid such surveillance;
- b. An undated, two-page document praising the Taliban leader Mullah Omar and the terrorist attacks on September 11, 2001, and condemning U.S. military action in Afghanistan;
- c. An issue of the magazine “Handguns” bearing a subscription label in the name of “Ahmed Ali”;
- d. Audio tapes in Arabic promoting violent *jihad*, the killing of Jews, and a battle by Muslims against Christians and Jews; and
- e. A book written by senior al-Qaeda official Ayman al-Zawahiri, in which al-Zawahiri characterizes democracy as a new religion that must be destroyed by war, describes anyone who supports democracy as an infidel, and condemns the Muslim Brotherhood for renouncing violent *jihad* as a means to establish an Islamic state.
- f. An address book containing the name, telephone number, and address in Saudi Arabia of Coconspirator #1.

19. On or about June 26, 2003, Coconspirator #4 turned himself in to Saudi authorities.
20. On or about September 23, 2003, Coconspirator #2 was killed in a shoot-out with Saudi authorities.

COUNT ONE

Conspiracy to Provide Material Support and Resources to a Designated Foreign Terrorist Organization (al-Qaeda)

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations of this Indictment.

2. Beginning on a date unknown but by at least September 2002, and continuing through June 9, 2003, defendant ABU ALI, a United States citizen subject to the jurisdiction of the United States, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did knowingly and unlawfully combine, conspire, confederate, and agree, with others known and unknown to the grand jury, to knowingly provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), to a foreign terrorist organization, namely al-Qaeda.

3. In 2000, defendant ABU ALI, then living in Falls Church, Virginia, in the Eastern District of Virginia, traveled from Washington Dulles International Airport in the Eastern District of Virginia to Saudi Arabia to pursue religious studies in Medina. While in Medina, ABU ALI met and lived with Coconspirator #1. ABU ALI and Coconspirator #1 became friends.

4. On or about August 28, 2000, defendant ABU ALI returned from overseas to Washington Dulles International Airport in the Eastern District of Virginia. Following his return to the United States, ABU ALI kept in contact with Coconspirator #1.

5. On or about August 12, 2001, defendant ABU ALI traveled from the United States to Saudi Arabia to pursue religious studies.

6. While in Saudi Arabia following the September 11, 2001, terrorist attacks in the United States, defendant ABU ALI verbally expressed support for those attacks.

7. In or around September 2002, defendant ABU ALI traveled from Washington Dulles International Airport in the Eastern District of Virginia to Saudi Arabia. At the time he departed the United States, he was residing in Falls Church, Virginia, in the Eastern District of Virginia.

8. In a conversation with defendant ABU ALI after the defendant arrived in Saudi Arabia, Coconspirator #1 offered to introduce ABU ALI to a “*mujahid* brother” who had fought at Tora Bora in Afghanistan. ABU ALI welcomed the opportunity to meet the “*mujahid* brother.”

9. Between in or around September 2002 and on or about June 9, 2003, Coconspirator #1 introduced defendant ABU ALI to Coconspirator #2 in Medina.

10. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI and Coconspirator #2 met on multiple occasions in Jeddah and Medina, Saudi Arabia.

11. It was defendant ABU ALI’s intent to become a planner of terrorist operations like Muhammad Atta and Khalid Sheikh Muhammad, well known al-Qaeda terrorists associated with the attacks on September 11, 2001.

12. Between in or around September 2002 and on or about June 9, 2003, Coconspirator #2 introduced defendant ABU ALI to Coconspirator #4 in Saudi Arabia. ABU ALI knew and understood that Coconspirator #2 and Coconspirator #4 were associated with al-Qaeda.

13. Between in or around September 2002 and on or about June 9, 2003, ABU ALI met clandestinely with Coconspirator #4 in Medina, Saudi Arabia on several occasions.

14. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI discussed with Coconspirator #2 and Coconspirator #4 plans to assassinate President of the United States George W. Bush. The tactics discussed for conducting the assassination included (1) an operation in which multiple snipers would shoot the President; and (2) a suicide bombing operation. Defendant ABU ALI agreed to carry out the assassination of the President.

15. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI discussed plans for assassinating President Bush with Coconspirator #3, and obtained a religious blessing from Coconspirator #3 to assassinate President Bush.

16. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI decided to go to Afghanistan for violent *jihad* against American military personnel there. He applied for a visa to travel to Iran as a means to enter Afghanistan, but his application was denied.

17. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI offered himself to persons in Saudi Arabia associated with al-Qaeda as an individual committed to furthering the objectives of al-Qaeda.

18. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI went to safehouse locations in the Medina area used by members of an al-Qaeda cell.

19. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI received lodging at locations in the Medina area from persons whom he knew and understood to be associated with al-Qaeda.

20. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, for the purposes of providing material support to al-Qaeda, received from Coconspirator #4, an individual whom he knew to be associated with al-Qaeda, 5,000 Saudi riyals to purchase a laptop computer, 1,000 Saudi riyals to purchase a cellular telephone, and 750 Saudi riyals to purchase books.

21. On or about April 2, 2003, for the purposes of providing material support and resources to al-Qaeda, defendant ABU ALI purchased a Hewlett Packard laptop computer in Medina, Saudi Arabia, with the money that Coconspirator #4 had given him.

22. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI purchased a cellular telephone with the money that Coconspirator #4 had given him.

23. Between in or around September 2002 and on or about June 9, 2003, Coconspirator #4 discussed with defendant ABU ALI the manner and means by which ABU ALI could provide material support and resources to al-Qaeda, including establishing an al-Qaeda cell in the United States and conducting a terrorist operation there.

24. Between in or around September 2002 and on or about June 9, 2003, Coconspirator #4 told defendant ABU ALI that he would send operatives to help ABU ALI carry out terrorist operations inside the United States.

25. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, for the purposes of providing material support and resources to al-Qaeda, proposed to Coconspirator #4 that members of an al-Qaeda cell in Saudi Arabia be infiltrated into the United States from Mexico, then link up with the defendant in the United States.

26. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI provided himself to individuals in Saudi Arabia associated with al-Qaeda for the purpose of receiving training to conduct activities in furtherance of al-Qaeda's operational and strategic objectives.

27. Between in or around September 2002 and on or about June 9, 2003, for the purposes of providing material support and resources to al-Qaeda, defendant ABU ALI received training in weapons (including hand grenades) and explosives from Coconspirator #2 and Coconspirator #4, whom he knew and understood were associated with al-Qaeda.

28. Between in or around September 2002 and on or about June 9, 2003, for the purposes of providing material support and resources to al-Qaeda, defendant ABU ALI received training in document forgery from Coconspirator #11, whom he knew and understood was associated with al-Qaeda.

29. Between on or around September 2002 and on or about June 9, 2003, Coconspirator #4 gave defendant ABU ALI a portable memory device containing a video of American pilots conducting military operations in Afghanistan and various documents, including documents relating to operational security for the al-Qaeda cell headed by Coconspirator #4.

30. Between on or around April 2, 2003, and on or about June 9, 2003, defendant ABU ALI used the Hewlett Packard laptop computer that he had purchased with money from Coconspirator #4 to review the materials on the portable memory device that Coconspirator #4 had given to him, including the video of American pilots conducting military operations in Afghanistan and documents relating to operational security for the al-Qaeda cell headed by Coconspirator #4.

31. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, for the purposes of providing material support and resources to al-Qaeda, proposed to Coconspirator #4 that several kinds of terrorist attacks be conducted against the United States, including attacks on aircraft departing the United States.

32. In or about late May 2003, defendant ABU ALI performed guard duty for an al-Qaeda cell at one of its safehouse locations in the Medina area of Saudi Arabia.

33. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI and Coconspirator #4 discussed a plan to hijack commercial aircraft departing from locations outside the United States and transiting U.S. airspace.

34. Between in or around September 2002 and on or about June 9, 2003, in response to a request by Coconspirator #4, and in support of a plan to hijack commercial aircraft, defendant ABU ALI conducted research on commercial airline flights originating from outside the United States that were scheduled to transit the United States, and reported his findings to Coconspirator #4. In reporting his findings to Coconspirator #4, defendant ABU ALI asked Coconspirator #4 for specific dates of flights to narrow the results of his research.

35. Between in or around September 2002 and on or about June 9, 2003, in response to a request by Coconspirator #4, defendant ABU ALI translated from English into Arabic the audio portion of a video concerning operations by U.S. military aircraft in Afghanistan.

36. On or about June 9, 2003, at his dormitory room at the University of Medina in Medina, Saudi Arabia, the defendant ABU ALI possessed the following: (1) a personal address book containing the name of Coconspirator #1; (2) a Global Positioning Satellite (GPS) device; (3) jihadist literature; (4) a Nokia cell phone containing an entry for Coconspirator #1; (5) a Jordanian passport; (6) two Motorola walkie-talkies.

(In violation of Title 18, United States Code, Section 2339B)

COUNT TWO

Providing Material Support and Resources to a Designated Foreign Terrorist Organization (al-Qaeda)

1. The Grand Jury realleges and incorporates by reference the General Allegations and Count One of this Indictment.

2. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, a United States citizen subject to the jurisdiction of the United States, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did knowingly and unlawfully provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), to a foreign terrorist organization, namely al-Qaeda.

(In violation of Title 18, United States Code, Section 2339B)

COUNT THREE

Conspiracy to Provide Material Support and Resources to Terrorists

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations and Count One of this Indictment.

2. Beginning on a date unknown but by at least September 2002, and continuing through on or about June 9, 2003, defendant ABU ALI, a United States citizen subject to the jurisdiction of the United States, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did knowingly and unlawfully conspire to knowingly provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), knowing and intending that they were to be used in preparation for, and for carrying out, the assassination of the President of the United States, in violation of 18 U.S.C. § 1751.

(In violation of Title 18, United States Code, Section 2339A(a))

COUNT FOUR

Providing Material Support and Resources to Terrorists

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations and Count One of this Indictment.

2. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, a United States citizen subject to the jurisdiction of the United States, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did knowingly and unlawfully provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), knowing and intending that they were to be used in preparation for, and for carrying out, the assassination of the President of the United States, in violation of 18 U.S.C. § 1751.

(In violation of Title 18, United States Code, Section 2339A(a))

COUNT FIVE

Contribution of Services to al-Qaeda

1. The Grand Jury realleges and incorporates by reference the General Allegations and Count One of this Indictment.

2. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, being a United States person, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did willfully and unlawfully violate a regulation issued under Chapter 35 of Title 50, United States Code, in that defendant did willfully make and attempt to make a contribution of services to and for the benefit of al-Qaeda, a specially designated terrorist.

(In violation of Title 50, United States Code, Section 1705(b); Executive Order 13099; Title 31, Code of Federal Regulations, Section 595.204)

COUNT SIX

Receipt of Funds and Services from al-Qaeda

1. The Grand Jury realleges and incorporates by reference the General Allegations and Count One of this Indictment.

2. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, being a United States person, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did willfully and unlawfully violate a regulation issued under Chapter 35 of Title 50, United States Code, in that defendant did willfully and unlawfully receive funds and services from al-Qaeda, a specially designated terrorist.

(In violation of Title 50, United States Code, Section 1705(b); Executive Order 13099; Title 31, Code of Federal Regulations, Section 595.204)

COUNT SEVEN

Conspiracy to Assassinate the President of the United States

1. The Grand Jury realleges and incorporates by reference the General Allegations and Count One of this Indictment.

2. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did knowingly and unlawfully combine, conspire, confederate, and agree, with others known and unknown to the grand jury, to kill the President of the United States.

(In violation of Title 18, United States Code, Section 1751(d).)

COUNT EIGHT

Conspiracy to Commit Aircraft Piracy

1. The Grand Jury realleges and incorporates by reference the General Allegations and Count One of this Indictment.

2. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, a United States citizen, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did knowingly and unlawfully combine, conspire, confederate, and agree, with others known and unknown to the grand jury, to commit aircraft piracy in and outside of the special aircraft jurisdiction of the United States.

(In violation of Title 49, United States Code, Section 46502.)

COUNT NINE

Conspiracy to Destroy Aircraft

1. The Grand Jury realleges and incorporates by reference the General Allegations and Count One of this Indictment.

2. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did knowingly and unlawfully combine, conspire, confederate, and agree, with others known and unknown to the grand jury, to set fire to, damage, destroy, disable, and wreck aircraft in the special aircraft jurisdiction of the United States and civil aircraft used, operated, and employed in interstate, overseas, and foreign air commerce.

(In violation of Title 18, United States Code, Section 32.)

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

Paul J. McNulty
United States Attorney

Robert Spencer
Chief, Criminal Division

David H. Laufman
Stephen M. Campbell
Assistant United States Attorneys

Jerry R. DeMaio
Trial Attorney
U.S. Department of Justice